

CHAPTER 1 – INTRODUCTION

1.1 BACKGROUND

This Environmental Impact Report (EIR) has been prepared to analyze the environmental effects of the proposed Soldier Field Subdivision (project) in Lafayette, California, pursuant to the California Environmental Quality Act (CEQA) (Public Resources Code [PRC] Sections 21000-21178), and the *CEQA Guidelines* (California Code of Regulations [CCR] Title 14, Chapter 3).

CEQA requires all public agencies to consider the environmental consequences of projects for which they have discretionary authority. The public agency with the principal responsibility for carrying out or approving a project is the “lead agency.” CEQA requires the lead agency to prepare an EIR if there is substantial evidence, in light of the whole record, that a project may have a significant effect on the environment. A significant effect is defined in CEQA as a substantial and adverse physical change in the environment. The City of Lafayette (City) is the lead agency for the proposed Soldier Field Subdivision (project).

1.2 PURPOSE OF THE EIR

According to Section 15121 of the *CEQA Guidelines*, an EIR is an informational document that is written to inform public agency decision-makers and the public of the significant environmental effects of a proposed project. The purpose of an EIR is to:

- Analyze the environmental effects of a proposed project;
- Indicate mitigation measures to avoid or minimize the potentially significant environmental effects of a proposed project; and,
- Identify alternatives to the project that would avoid or substantially lessen the significant effects of the project.

Environmental effects that are addressed in the EIR consist of the significant, adverse effects of the project across a full spectrum of environmental topics; the growth-inducing effects of the project; and the significant cumulative effects of past, present, and reasonably anticipated future projects.

It is not the purpose of an EIR to recommend either approval or denial of a project. Rather, its purpose is to provide relevant information that will assist decision-makers in their decision to approve or deny a project. The lead agency may choose to approve a project that would result in significant environmental effects that cannot be mitigated. If this occurs, the lead agency is required to prepare a “Statement of Overriding Considerations,” pursuant to Section 15093 of the *CEQA Guidelines*.

1.3 USE OF THE EIR

The EIR prepared for the proposed Soldier Field Subdivision will serve as the primary environmental document for the proposed project and all future development that is undertaken to establish and build out the subdivision. The EIR is anticipated to be the definitive environmental document for project implementation. It will serve as a Project EIR for the proposed development of the residential uses and the infrastructure improvements needed to serve them. This document is a Project EIR, which is appropriate because it analyzes the environmental effects of a specific project and contains a detailed level of information regarding development and construction of the proposed uses.

1.4 SCOPE OF THE EIR

As provided for in Sections 15063 and 15126 of the *CEQA Guidelines*, the focus of this EIR is limited to specific issues and concerns identified by the City as causing potentially significant effects on the environment.

1.4.1 Initial Study and Notice of Preparation

To determine the scope of this EIR, the City prepared and distributed an Initial Study and a Notice of Preparation (NOP) for the proposed project. The purpose of the Initial Study is to assist in the preparation of an EIR by focusing the EIR on the effects determined to be potentially significant, and identifying the effects determined not to be significant and explaining the reasons for those determinations. Refer to Section 1.7 (Effects Not Found To Be Significant).

An NOP is a document that is sent by the lead agency to notify public agencies and interested parties that the lead agency plans to prepare an EIR for a proposed project. The purpose of the NOP is to solicit comments from public agencies and interested parties, and to identify specific environmental issues that should be considered in the EIR.

The Initial Study and NOP identified the following issues to be addressed in this EIR:

- Land Use and Planning
- Aesthetics
- Air Quality
- Biological Resources
- Cultural Resources
- Geology and Soils
- Hydrology and Water Quality
- Noise
- Public Services, Utilities, and Service Systems
- Transportation/Traffic

1.4.2 Public Review and Scoping Meeting

On February 17, 2005, the Planning Commission conducted a public hearing on the scope of the EIR as proposed in the Initial Study dated January 28, 2005. The Planning Commission authorized the preparation of an EIR and the NOP was released on March 11, 2005, beginning the 30-day public review period.

The Initial Study and NOP for the proposed project were sent to trustee and responsible agencies, members of the public, other interested parties, and the California State Clearinghouse. During the review period, public agencies and members of the public had the opportunity to respond to the NOP to identify issues of special concern and to suggest additional issues to be considered in the EIR. The Initial

Study, NOP and comments received from public agencies and members of the public are contained in Appendix A (Notice of Preparation, Initial Study and Public Comments).

1.4.3 Contents of Draft EIR

All of the environmental issues determined in the Initial Study as having potentially significant impacts and the issues identified during the public review period for inclusion in the EIR have been incorporated into this EIR. For each environmental issue, the EIR describes the environmental setting (current conditions), then discusses and analyzes the potential related impacts that could be caused by project implementation.

For each potentially significant impact, the EIR specifies ways to mitigate the impact, including implementation of one or a combination of the following mitigation measures:

- Existing goals, objectives, policies and programs of the City of Lafayette *General Plan (General Plan)*;
- Applicable mitigation measures of the *Draft and Final EIR for the General Plan*; and/or
- Project-specific mitigation measures designed to mitigate one or more project impacts as described in this EIR.

The project sponsor must implement all mitigation measures identified in the EIR or their environmental equivalent. “Environmental equivalent” means any mitigation measure and/or timing thereof, subject to the approval of the City, that, compared to the mitigation measure, would have the same or superior result and would have the same or superior effect on the environment. The City Planning Services Division, in conjunction with any appropriate agencies or other City departments, shall determine the adequacy of any proposed environmental equivalent. Any costs associated with information or environmental documentation required to determine environmental equivalency shall be borne by the project sponsor. As with other mitigation measures, the City would ensure compliance with an environmental equivalent through the mitigation monitoring process.

1.5 ORGANIZATION OF THE EIR

This EIR has been organized into the following sections:

Executive Summary: Summarizes the proposed project, required actions by the City and other agencies, environmental setting, potential impacts of the project, mitigation measures identified to reduce or eliminate significant impacts, and alternatives to the proposed project.

Chapter 1. Introduction: Provides an introduction and overview that describes the proposed project and the purpose of the EIR, summarizes the EIR review and certification process, identifies key areas of environmental concern, and outlines the EIR process.

Chapter 2. Project Description: Presents the project objectives, describes the proposed project in detail, and specifies the actions required to implement the project.

Chapter 3. Existing Conditions, Environmental Impacts, and Mitigation Measures: Describes the existing conditions, analyzes the proposed project’s potential environmental impacts, and identifies measures to mitigate the identified impacts.

Chapter 4. Cumulative and Growth-Inducing Impacts: Describes cumulative and growth-inducing impacts resulting from implementation of the project, including reasonably anticipated future projects that may have related or cumulative impacts.

Chapter 5. Alternatives: Evaluates a reasonable range of project options (alternative ways of meeting the project objectives) that would reduce or avoid environmental impacts, including the No Project Alternative.

Chapter 6. Other CEQA Considerations: Discusses significant and unavoidable impacts, as well as significant irreversible impacts.

Chapter 7. Report Preparation Personnel: Lists preparers of the EIR, including City staff and consultants.

Chapter 8. References Cited: Lists sources of information used in the preparation of the EIR.

Appendices: Includes the Initial Study and NOP for the EIR, comments received in response to the NOP and the City's scoping activities, and background technical material regarding air quality, cultural resources, and traffic analysis.

1.6 TERMINOLOGY USED IN THE EIR

This EIR uses the following terminology to denote the significance of environmental impacts of the proposed project:

- A “beneficial impact” is a positive contribution or improvement to the physical conditions that exist in the area affected by the project.
- An “environmental impact” is a direct or indirect effect that would be caused by the project that constitutes a physical change to the existing natural or man-made conditions within the area affected by the project.
- “No impact” is the lack of any environmental impact, and no mitigation is required.
- A “less than significant” impact or an impact that is “not significant” would cause no substantial adverse change in the environment; as such, no mitigation is required.
- A “potentially significant” or “significant” impact could or would cause a substantial adverse change in the environment. In this case, an impact has been identified that, although potentially significant, can be avoided or reduced to less than significant levels through mitigation. Such mitigation may be either project design features that have been incorporated into the project or existing requirements, such as city codes and ordinances, engineering and design requirements (e.g., the *Uniform Building Code*), and standard regulations set by regional, state and federal agencies.
- A “significant and unavoidable” impact is one that could or would cause a substantial adverse change in the environment and cannot be avoided if the project is implemented; mitigation may be recommended, but would not reduce the impact to a less than significant level.
- “Mitigation measures” are defined in *CEQA Guidelines* Section 15370 as:

- Avoiding the impact altogether by not taking a certain action or parts of an action;
- Minimizing the impact by limiting the degree or magnitude of the action and its implementation;
- Rectifying the impact by repairing, rehabilitating, or restoring the affected environment;
- Reducing or eliminating the impact over time by preservation and maintenance operations during the life of the action; and
- Compensating for the impact by replacing or providing substitute resources or environments.

1.7 EFFECTS NOT FOUND TO BE SIGNIFICANT

Through the Initial Study and NOP scoping process, the City determined that the project would have no significant impact on certain environmental issues and so has excluded these issues from further analysis in this EIR. As described below, these excluded issues are:

1.7.1 Aesthetics – Scenic Highway Corridor

The project site is not located within a scenic highway corridor.

1.7.2 Agricultural Resources

The project site is shown as Grazing Land on the Contra Costa County Important Farmland Map and identified as land on which the existing vegetation is suitable for grazing of livestock. However, the project site is not protected by a Williamson Act contract, nor is it identified as Farmland.

1.7.3 Air Quality – Objectionable Odors

The proposed project would not generate objectionable odors that would affect a substantial number of people.

1.7.4 Biological Resources – Habitat Conservation Plans (HCPs)

There are no adopted or approved local, regional, or state habitat conservation plans applicable to the proposed project.

1.7.5 Cultural Resources – Historic Resources

There are no structures or buildings of historic significance located on the project site.

1.7.6 Geology and Soils – Known Earthquake Faults; Seismic-Related Ground Failure; and Soils Inadequate To Support Septic Tanks.

The possibility of surface rupture at the project site is remote because it is not located near an active fault zone. The nearest fault to the project site is the Lafayette Fault, which is mapped 1,000 to 2,000 feet west of the site, through Burton Valley; however, it is considered inactive by most geologists and is not part of the Alquist-Priolo Earthquake Fault Zone. The nearest known active fault is the Concord Fault more than six miles away.

The City's *General Plan* indicates that liquefaction potential in the project site area is "virtually none."

In addition, the project site is within the service boundaries of the Central Contra Costa County Sanitary District and sewer service is currently available to the site. Therefore, soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems would not be applicable to the proposed project.

1.7.7 Hazards and Hazardous Materials

Development of the proposed project would not involve the use of hazardous materials, other than limited quantities typically associated with construction activities such as fuels, paints and solvents. The project site is not listed as a hazardous materials site pursuant to California Government Code Section 65962.5.

The proposed project would satisfy all provisions of applicable fire codes, as well as maintain an existing fire access trail. Although the project site is susceptible to wildland fire and landslides, the proposed project is not expected to substantially impair implementation of or physically interfere with the City's Emergency Operations Plan.

The project site is not located within an airport land use plan, within two miles of a public airport, or within the vicinity of a private airstrip.

1.7.8 Hydrology and Water Quality – Groundwater Supplies and Flood Hazards

The project sponsor's Geotechnical Study states that groundwater was encountered at a depth of nine feet in one of the test borings at the northern end of the project site. This appears to be in the same general area as an identified jurisdictional freshwater seep (wetland). This area is not a documented aquifer or other significant groundwater source. Neither the project site nor the City is located over any significant groundwater basin as identified by the San Francisco Regional Water Quality Control Board (RWQCB).

The project site is not located within a 100-year flood hazard area as mapped on the federal Flood Insurance Rate Map. Also, according to East Bay Municipal Utility District (EBMUD) inundation maps, the project site is not within an area susceptible to flooding should the dams at Lafayette and Leland Reservoirs fail.

1.7.9 Land Use and Planning – Established Communities, Conservation Plans

The proposed project would not divide an established community, and the project site is not located in an area with an adopted or approved habitat conservation or natural communities conservation plan.

1.7.10 Mineral Resources

There are no known mineral resources within the City.

1.7.11 Population and Housing

The project's eight new dwelling units would add approximately 21 new residents to the City, which is not a substantial increase in population. The project would not create growth-inducing impacts because it would be infill development within existing City boundaries on land that is currently zoned to allow eight dwelling units.

The proposed project would not displace any existing housing or people, and would not require the construction of replacement housing elsewhere.

1.7.12 Recreation

The demand for area park facilities generated by the proposed project would be minimal, and would not result in substantial adverse impacts on existing parks or create a need for new ones. The proposed lots would be large enough that residents could potentially have on-site recreational facilities such as swimming pools and sports courts. Furthermore, the project sponsor would be required to pay park dedication fees, currently \$4,181 per single-family unit. While the proposed project does not include recreational facilities, the Tentative Map identifies a proposed public trail along Burton Ridge that generally follows the existing fire road alignment. Burton Ridge is the location of both the City's Master Trail, the Burton Ridge to Las Trampas Regional Park Trail, and the East Bay Regional Park District's (EBRPD) Master Planned Calaveras Ridge Trail.

1.7.13 Utilities and Service Systems – Wastewater and Solid Waste

Wastewater treatment in the City is provided by the Central Contra Costa Sanitary District (CCCSD) and would be available at the project site.

There is adequate solid waste disposal capacity for the proposed project's residents at the Keller Canyon Landfill in Contra Costa County. Solid waste generated by the project is not expected to impede or impact Lafayette's ability to achieve a 50 percent solid waste diversion rate, as is required by the California Integrated Waste Management Act of 1989. However, future developers would be required to complete a waste management plan that would divert at least 50 percent of construction and demolition debris, pursuant to Chapter 5-6, Construction and Demolition Debris Recycling, of the Lafayette Municipal Code (LMC).

1.8 OTHER AGENCIES THAT MAY USE THE EIR

This EIR is intended to be used by trustee and responsible agencies (as defined by Sections 15381 and 15386 of the *CEQA Guidelines*) that may have review or discretionary authority over the proposed project, or some component of the project thereof. Agencies that may also use this EIR in their review of the project or that may have responsibility over approval of certain project elements include, but are not limited to, the following:

- California Regional Water Quality Control Board (RWQCB)
- Contra Costa County Local Agency Formation Commission (LAFCO)
- U. S. Army Corps of Engineers (ACOE)

1.9 FINAL EIR AND PROJECT APPROVAL

1.9.1 Public Review of Draft EIR

In accordance with CEQA, a good-faith effort has been made during the preparation of this EIR to contact all affected agencies, organizations and persons who may have an interest in this project.

This Draft EIR, with an accompanying Notice of Completion (NOC), is being circulated to the California State Clearinghouse, trustee agencies, responsible agencies, other government agencies, and interested

members of the public for a 45-day review period as required by CEQA. The review period for this Draft EIR is between October 11 and November 25, 2005. During the review period, public agencies and members of the public may provide written comments on the analysis and content of the EIR. In reviewing a Draft EIR, readers should focus on the sufficiency of the document in identifying and analyzing the possible impacts on the environment and on ways in which the significant effects of the project might be avoided or mitigated.

All written comments on this Draft EIR must be mailed, delivered, faxed, or e-mailed by 5:00 p.m. on November 25, 2005, and addressed as follows:

Mail or Delivery: City of Lafayette
Planning Services Division
3675 Mt. Diablo Boulevard, Suite 210
Lafayette, California 94549
Attention: Christine Sinnette, Senior Planner

Fax: Christine Sinnette, Senior Planner
City of Lafayette
925-284-1122

E-mail: CSinnette@ci.lafayette.ca.us

All comments received on the Draft EIR during the 45-day public review period will be responded to by the City of Lafayette in the Final EIR.

1.9.2 Contents of Final EIR

The following elements will collectively compose the Final EIR:

- The Draft EIR;
- A list of all persons, organizations and public agencies that commented on the Draft EIR within the public review period;
- Copies of all comments received; and
- Written responses to those comments.

1.9.3 Certification of Final EIR and Project Approval Process

For a period of at least 10 days prior to any public hearing during which the lead agency will take action to certify the EIR, the Final EIR will be made available to, at a minimum, the trustee and responsible agencies that provided written comments on the Draft EIR. Pursuant to Section 15090(a) of the *CEQA Guidelines*, the Final EIR must be certified before the lead agency can take action on the project.

After the EIR is certified, the City will begin evaluating the merits of the project and conduct public hearings on whether or not to approve the proposed project. Before approving (or conditionally approving) the project, the City must prepare a Mitigation Monitoring and Report Program (MMRP). The City must also prepare CEQA findings in accordance with Section 15091 of the *CEQA Guidelines*. The findings must briefly explain the rationale behind the finding for each significant environmental

impact identified for the project. If significant environmental impacts that cannot be reduced to a less than significant level are identified for the project, the lead agency must prepare a Statement of Overriding Considerations, pursuant to Section 15093 of the *CEQA Guidelines*.

Certification of the Final EIR and approval of the CEQA findings, Mitigation Monitoring and Reporting Program, and the Statement of Overriding Considerations may be considered during one final public hearing. The certification of the Final EIR must be the first in this sequence of approvals.